

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:)	BEFORE THE TENNESSEE BOARD
)	OF MEDICAL EXAMINERS
MICHAEL SANDERS WYSOR, M.D.)	
RESPONDENT)	CASE NO. 2017001061
)	
GRAY, TENNESSEE)	
TENNESSEE LICENSE NO. 25940)	

CONSENT ORDER

The Division of Health Related Boards of the Tennessee Department of Health ("State"), by and through the Office of General Counsel, and Respondent, Michael Sanders Wysor, M.D., ("Respondent"), by and through his counsel, respectfully move the Tennessee Board of Medical Examiners ("Board") for approval of this Consent Order affecting Respondent's medical license in the State of Tennessee.

The Board is responsible for the regulation and supervision of medical doctors licensed to practice in the State of Tennessee. *See* Tennessee Medical Practice Act, TENN. CODE ANN. §§ 63-6-101, *et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of medical care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Tennessee Medical Practice Act in such a manner as to promote and protect the public health, safety and welfare in every practicable way, including disciplining medical doctors who violate the provisions of TENN. CODE ANN. §§ 63-6-101, *et seq.* or the Rules and Regulations promulgated by the Board and recorded in the Official Compilation Rules and Regulations of the State of Tennessee ("TENN. COMP. R. & REGS.").

Respondent, by signing this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review in this matter. Respondent agrees that presentation to and

consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. Respondent acknowledges that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank and/ or a similar agency. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

STIPULATIONS OF FACT

1. Respondent has been at all times pertinent hereto licensed by the Board as a medical doctor in the State of Tennessee, having been granted Tennessee medical license number 25940 by the Board on about September 8, 1994, which expires on May 31, 2019.
2. On or about February 4, 2016, during an office visit, the Respondent attempted to force a kiss upon patient R.G.

GROUND FOR DISCIPLINE

Respondent's acts as described in paragraph two (2) of this Consent Order is sufficient to establish that grounds for discipline of Respondent's medical license exist. Specifically,

Respondent has violated the following statutes or rules which are part of the Tennessee Medical Practice Act, (TENN. CODE ANN. §§ 63-6-101, *et seq.* and TENN. COMP. R & REGS.) for which disciplinary action before and by the Board is authorized:

3. The fact stipulated to in paragraph two (2) of the Stipulations of Fact, *supra*, constitutes a violation of Tennessee law, pursuant to TENN. CODE ANN. § 63-6-214(b)(1):

Unprofessional, dishonorable or unethical conduct [.]

3. The fact stipulated in paragraph two (2), *supra*, constitutes grounds for disciplinary action against Respondent's license to practice as a medical doctor in the State of Tennessee pursuant to TENN. COMP. R. & REGS., Rule 0880-02-.14(8):

Code of Ethics – The Board adopts, as if fully set out herein and to the extent that it does not conflict with state law, rules or Board Position Statements, as its code of medical ethics the “Code of Medical Ethics” published by the A.M.A. Council on Ethical and Judicial Affairs as it may, from time to time, be amended.

5. The fact stipulated in paragraph two (2), *supra*, constitute a violation of the Code of Medical Ethics of the American Medical Association, as articulated in Opinion 9.1.3, Sexual Harassment in the Practice of Medicine, which states:

Sexual harassment can be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Sexual harassment in the practice of medicine is unethical. Sexual harassment exploits inequalities in status and power, abuses the rights and trust of those who are subjected to such conduct; interferes with an individual's work performance, and may influence or be perceived as influencing professional advancement in a manner unrelated to clinical or academic performance harm professional working relationships, and create a intimidating or hostile work environment; and is likely to jeopardize patient care. Sexual relationships between medical supervisors and trainees are not acceptable, even if consensual. The supervisory role should be eliminated if the parties wish to pursue their relationship.

Physicians should promote and adhere to strict sexual harassment policies in medical workplaces. Physicians who participate in grievance committees should be broadly

representative with respect to gender identity or sexual orientation, profession, and employment status, have the power to enforce harassment policies, and be accessible to the persons they are meant to serve.

POLICY STATEMENT

The Tennessee Board of Medical Examiners takes the following action in order to protect the health, safety and welfare of the people in the State of Tennessee and ensure that the public confidence in the integrity of the medical profession is preserved.

ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

6. The Tennessee medical license of Michael Sanders Wysor, M.D. license number 25940, is hereby placed on **PROBATION**, for a period of at least five (5) years, effective the date of entry of this Consent Order.
7. Within sixty (60) days of the effective date of this Order, Respondent must obtain an evaluation from a Tennessee Medical Foundation (TMF) approved facility.
8. If the TMF recommends that the Respondent enter into a contract and/or monitoring agreement, Respondent shall obtain and maintain the advocacy of the TMF.
 - a. During the period of time that Respondent is required to maintain the advocacy of the TMF, he shall:
 - I. Cause the TMF to issue quarterly reports to the Board's Disciplinary Coordinator detailing Respondent's compliance with the terms of the TMF contract;

- II. Cause the TMF to notify the Board's Disciplinary Coordinator in writing of any violation of the TMF contract;
 - III. Maintain one-hundred percent (100%) compliance with all provisions and terms of his continuing care contract and any subsequent extension of the contract; and
 - IV. Respondent shall immediately notify the Board's Medical Consultant if at any time Respondent no longer has the advocacy of TMF.
9. During the probationary period, Respondent shall not serve as a supervising physician or substitute supervising physician.
10. During this term of probation, Respondent shall maintain good and lawful conduct, and any violation of law that relates to the practice of medicine or Respondent's ability to safely and competently practice medicine will be a violation of the terms of this Order.
11. At the expiration of the five (5) year probationary period, Respondent becomes eligible to petition the Tennessee Board of Medical Examiners for an "Order of Compliance" lifting the restrictions imposed by this Consent Order. As part of his petition for an "Order of Compliance," Respondent shall appear personally before the Tennessee Board of Medical Examiners unless waived by the Board's Medical Consultant.
12. Respondent shall pay one (1) "Type B" civil penalty in the amount of five hundred dollars (\$500.00), representing the penalty for sexually harassing his patient. This civil penalty shall be paid in full and sent to the address listed below within thirty (30) days of the effective date of this Consent Order.
13. Respondent shall pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-2-.12(1)(j) of the Official Compilation Rules and Regulations of the State of Tennessee, the actual and

reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed by the Office of Investigations, Secretary of State, Administrative Procedures Division as well as the Office of General Counsel. These costs will be established by an Assessment of Costs prepared and filed by counsel for the State. The maximum amount for the assessment of costs shall be twelve thousand dollars (\$12,000.00).

14. Respondent must enroll in and successfully complete within one (1) year of the effective date of this Order, the course entitled "*Maintaining Proper Boundaries*" offered at The Center for Professional Health at Vanderbilt University Medical Center located in Nashville, Tennessee, or an equivalent course approved in advance by the Board's Medical Director. Within thirty (30) days after completion of such course, Respondent shall mail or deliver proof of compliance with this course requirement to: **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, 2nd Floor, Nashville, Tennessee 37243.** Any CME course hours earned from attendance and completion of the course required by this paragraph shall be in addition to the CME hours required to maintain licensure.

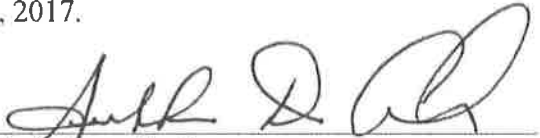
NOTICE

15. Respondent understands that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or similar agency.
16. Any and all costs for this case shall be paid in full within sixty (60) days from the issuance of the Assessment of Costs. Payment shall be made by **certified check, cashier's check, or money order**, payable to the **State of Tennessee**, Department of Health. Any and all payments shall be forwarded to the **Disciplinary Coordinator, The Division of Health Related Boards,**

Tennessee Department of Health, 665 Mainstream Drive, Nashville, Tennessee 37243. A notation shall be placed on said money order or such check that it is payable for the civil penalties and costs of MICHAEL SANDERS WYSOR, M.D., COMPLAINT NO. 2017001061.

This **CONSENT ORDER** was approved by a majority of a panel of the Tennessee Board of Medical Examiners at a public disciplinary meeting of a panel of the Board and signed this

27th day of September, 2017.


Chairperson/Acting Chairperson
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:



Michael Sanders Wysor, M.D.
RESPONDENT

8/4/17

DATE



Patricia P. Morgan (BPR #031772)
ASSISTANT GENERAL COUNSEL
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 741-1611


9/22/2017

DATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent Michael Sanders Wysor, M.D., 1171 First Street, Gray, Tennessee 37615 through by delivering same in the United States Mail, Certified Number 7016 1970 0001 1321 8542 return receipt requested, and United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination.

This 2nd day of October, 2017.


Paetria P. Morgan
Assistant General Counsel